

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:12CR340
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
JESUS GARCIA-CASTANA,)	
)	
Defendant.)	

The Court has received the Presentence Investigation Report and Addendum ("PSR"), and the parties' objections (Filing Nos. 25 and 26). See Order on Sentencing Schedule, ¶ 6. The Court intends to sustain the parties' objections, accept the plea agreement, and otherwise adopt the Presentence Investigation Report at the time of sentencing. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Government's Objection to Revised Presentence Investigation Report and Plaintiff's Statement (Filing No. 25) and the objections contained in the Defendant's Objections to Revised Presentence Investigation Report and Addendum (Filing No. 26) will be heard at the sentencing hearing;
2. The Court intends to sustain the objections, accept the plea agreement, and adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 2 of this Order, these tentative findings are final;

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 4th day of June, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge